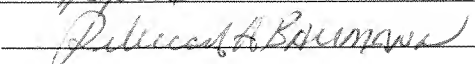



PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) BUL-001							
I hereby certify that this correspondence is being filed electronically to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>7/6/2006</u> Signature <u></u> Typed or printed name Rebecca A. Baumann		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Appl. No 09/931,817</td> <td style="padding: 2px;">Filed 08/16/2001</td> </tr> <tr> <td colspan="2" style="padding: 2px;">First Named Inventor Stephen M. Bull</td> </tr> <tr> <td style="padding: 2px;">Art Unit 3714</td> <td style="padding: 2px;">Examiner Corbett B. Coburn</td> </tr> </table>		Appl. No 09/931,817	Filed 08/16/2001	First Named Inventor Stephen M. Bull		Art Unit 3714	Examiner Corbett B. Coburn
Appl. No 09/931,817	Filed 08/16/2001								
First Named Inventor Stephen M. Bull									
Art Unit 3714	Examiner Corbett B. Coburn								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number: 35537</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <div style="text-align: right; margin-top: 20px;">  Signature: Jeanette S. Harms Telephone number: (408) 451-5907 Date <u>July 6, 2006</u> </div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>									
<input type="checkbox"/> *Total of _____ forms are submitted.									

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen M. Bull

Assignee: Cutlass, Inc.

Title: INTERACTIVE ENTERTAINMENT

Serial No.: 09/931,817 File Date: August 16, 2001

Examiner: Corbett B. Coburn Art Unit: 3714

Docket No.: BUL-001

Date: July 6, 2006

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PRE-APPEAL BRIEF

The Examiner's rejection of Claims 25-28 is in clear error. Claims 25-28 are rejected under 35 USC 102(e)/103(a) as being anticipated/rendered obvious by US Patent 6,320,495 (Sporgis).

CLAIMS

25. (Previously Presented) A method of providing a game that creates awareness of at least one sponsor, the method comprising:

defining a plurality of game spaces, each game space including an advertising object and a clue involving the advertising object, wherein solving the clue includes interacting with the advertising object, thereby creating awareness of a sponsor of the advertising object; and

after solving the clue, directing a player to proceed from one game space to a next game space including a next advertising object.

26. (Previously Presented) The method of Claim 25, wherein knowledge of a defined game space is communicated to players located in a cell zone of the game space.

27. (Previously Presented) The method of Claim 25, further including: confirming solving the clue using a cross-channel manner.

28. (Original) The method of Claim 27, wherein the cross-channel manner utilizes a cellular telephone.

REMARKS

This Pre-Appeal Brief is filed in response to the Final Office Action dated April 10, 2006, which has a shortened statutory period set to expire July 10, 2006.

Claims 25-28 Are Patentable Over Sporgis

Claim 25 recites, in part:

defining a plurality of game spaces, each game space including an advertising object and a clue involving the advertising object, wherein solving the clue includes interacting with the advertising object, thereby creating awareness of a sponsor of the advertising object.

Applicant respectfully submits that Sporgis fails to disclose or suggest a game that creates awareness of a sponsor by interacting with an advertising object of the sponsor to solve a clue.

Sporgis teaches that the next clue to be given to a particular player, as determined by the gamemaster, depends on the player's location as well as other variables, such as the number of clues the player has correct answered and the position of the other players. Col. 3, lines 9-13. Players may be given clues that direct them to locate various objects in a scavenger type game. Col. 5, lines 45-47. These clues can include simple text, video, music, cartoons/animation, still pictures, sound, diagrams, or any combination of the above. Col. 3, lines 44-47. The clues may based in or linked to a wide variety of mediums, such as television, programs, books, magazines, pictures, buildings, web sites, or any number of mediums or combinations thereof. Col. 4, lines 39-43. Sporgis generically states that an "endless variety" of clues can be transmitted to the game players. Col. 3, lines 47-51. (Applicant respectfully submits that this generic teaching is effectively "boilerplate" and clearly fails to demonstrate that Sporgis envisioned the use of advertising objects in solving clues in a game.)

Sporgis does teach that commercial sponsors can support a game in exchange for affiliation with the game and advertising rights. Col. 3, lines 21-23. Sporgis also teaches that a website can allow individuals who are not participating in the game to follow along with the players' progress Col. 3, lines 52-54. Advertisements can be placed on this website to generate revenue. Col. 3, lines 54-55.

Notably, a **player's** awareness of a sponsor by merely supporting a game is probably minimal absent previous knowledge. In contrast, in Applicant's game, the player **interacts with the advertising object of the sponsor in order to solve the clue in that game space**. This interaction creates a significantly more relevant and lasting awareness of the sponsor than that proposed by Sporgis. It logically follows that sponsors will more

readily support a game if the game itself creates/solidifies awareness of the sponsor based on interaction with the sponsor's advertising object.

Because Sporgis fails to disclose or suggest the player's interacting with the advertising object, thereby creating awareness of the sponsor, and its attendant advantages, Applicant requests reconsideration and withdrawal of the rejection of Claim 25.


Claims 26-28 depend from Claim 25 and therefore are patentable for at least the reasons presented for Claim 25. Based on those reasons, Applicant requests reconsideration and withdrawal of the rejection of Claims 26-28. (Applicant notes that Claim 28 has not been amended, i.e. is original.)

CONCLUSION

Claims 25-28 are pending in the present application. Reconsideration and allowance of these claims is respectfully requested.

Respectfully submitted,

Customer No.: 022888



Jeanette S. Harms
Attorney for Applicant
Reg. No. 35537